

ORDINANCE NO. 125, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF FORT COLLINS TO ADD A
NEW ARTICLE IV REGARDING ENTERTAINMENT DISTRICTS

WHEREAS, under Article 3 of Title 44, C.R.S. (“the liquor law”), an entertainment district is an area comprised of no more than one hundred acres containing at least twenty thousand square feet of existing liquor licensed premises; and

WHEREAS, pursuant to the liquor law, in order to allow entertainment districts to exist in the City, the City Council must adopt a local ordinance; and

WHEREAS, the City Council can impose stricter limits than required by the liquor law on the size, security, or hours of operation on the common consumption area within an entertainment district; and

WHEREAS, the liquor law requires that a certified promotional association operate a common consumption area within an entertainment district and authorizes the attachment of liquor licensed premises to the common consumption area; and

WHEREAS, the liquor law also requires that, to qualify for certification, the promotional association must have a board of directors, follow a specific set of statutory guidelines, and be approved by the local Liquor Licensing Authority (the “Authority”); and

WHEREAS, the Authority may refuse to certify or may decertify a promotional association within a common consumption area for specific reasons as set forth in the liquor law; and

WHEREAS, the Authority may also similarly deauthorize or refuse to authorize or reauthorize a licensee’s attachment to a common consumption area for specific reasons as set forth in state statute; and

WHEREAS, this Ordinance establishes City Code provisions that set out the entertainment district process and requirements and grants the Authority the ability to approve common consumption areas, to authorize, refuse to authorize or reauthorize the attachment of licensed premises to common consumption areas, to certify and decertify promotional associations, and to designate the location, size, hours of operation and security of common consumption areas; and

WHEREAS, the Authority will be bound by the restrictions as set forth in this Ordinance; and

WHEREAS, City staff recommends that the City Code be amended as described in this Ordinance; and

WHEREAS, the City Council has determined that the proposed City Code amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 3 of the City Code is hereby amended by adding a new Article IV to read as follows:

Article IV. Entertainment District.

Sec. 3-101. Purpose.

The purpose of this Article is to recognize the City Council's authority to create entertainment districts in the City and to allow the Authority to approve and regulate promotional associations and common consumption areas within entertainment districts.

Sec. 3-102. Incorporation of state law.

The provisions of Article 3 of Title 44, C.R.S., and any rules and regulations promulgated thereunder are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article.

Sec. 3-103. Definitions.

Common consumption area shall mean an area designated as a common area in an entertainment district approved by the Authority that uses physical barriers to close the area to motor vehicle traffic and limit pedestrian access.

Promotional association shall mean an association that is incorporated in the State of Colorado to organize and promote entertainment activities within a common consumption area, and is organized or authorized by two (2) or more people who own or lease property within said entertainment district.

Sec. 3-104. Creation of entertainment districts.

- (a) The City Council may, by ordinance, create individual entertainment districts in the City.
- (b) City Council may impose stricter limits than required by state law on the size, security or hours of operation of any common consumption area within an entertainment district.

Sec. 3-105. Liquor Licensing Authority.

- (a) The Authority shall be authorized to certify and decertify promotional associations, allow the attachment of licensed premises to common consumption areas, and impose reasonable restrictions on promotional associations and common consumption areas as authorized by state law.
- (b) The Authority will notify the City Council upon decertification of a promotional association if there is no new promotional association application filed with the City Clerk in accordance with the Authority's rules and regulations.
- (c) The City Council may, by ordinance, modify the limits imposed by Council on an entertainment district or eliminate an entertainment district if there is no certified promotional association in the entertainment district.
- (d) An entertainment district shall be deemed to be abandoned after a period of twelve (12) consecutive months during which the entertainment district had no certified promotional association. In the event of abandonment, a new Council approval would be required to re-establish the entertainment district.


Sec. 3-106. Application.

All applications for a common consumption area, certification and recertification of a promotional association, and attachment by a liquor license to a common consumption area of a certified promotional association shall be filed with the City Clerk. All forms must be complete, including all exhibits that may be required to be attached in accordance with local requirements. Incomplete or erroneous applications will be rejected.


Sec. 3-107. Administrative procedural regulations.

The Authority is authorized to promulgate such procedural rules and regulations as are necessary to effectuate the implementation, administration and enforcement of this Article, subject to any conditions or limitations imposed by Council, as provided in § 3-104(b).

Introduced, considered favorably on first reading, and ordered published this 16th day of October, A.D. 2018, and to be presented for final passage on the 6th day of November, A.D. 2017.

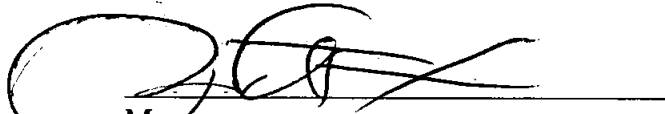

Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on this 6th day of November, A.D. 2018.


Mayor

ATTEST:


City Clerk

